IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8325 of 2004

Between:

R.V. Recreation Club Pvt. Ltd, Paloncha, Khammam Dist, rep. by its Director Mr. S. Ravinder, S/o Rajeswar Rao, aged 46 years, Occ: Business, R/o 3-11-143, Kumarpally, Hanamkonda,Warangal .

... PETITIONER

AND

1 The Superintendent of Police, Khammam District at Khammam
2 The Station House Officer, Paloncha, Khammam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in obstructing the playing of rummy with stakes/ syndicate by the members of the petitioner club as being arbitrary, illegal, unconstitutional and contrary to the judgment of the Hon'ble Supreme Court in State of A.P. Vs. K. Satyanarayana reported in AIR 1968 SC 825 and in 2002 (5) ALT (DB) page 806 and consequently direct the respondents not to interfere with the playing of rummy with stakes/syndicate by the members of the petitioner club within the club premises

Counsel for the Petitioner: MR.D.BHASKAR REDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following order:

ORDER:

Petitioner styling itself as R.V. Recreation Club Private Limited, Paloncha, Kahmmam District, filed this writ petition stating that the petitioner-club was registered on 01.04.2004 with the Registrar of Companies, Andhra Pradesh, Hyderabad and the members of the petitioner-club are from various walks of life, such as Doctors, Lawyers, Engineers, Private Employees and Businessmen, who are all respective persons in the society and the club has been formed for the recreation purpose where they play various games such as Table Tennis, Shuttle Badminton, Caroms, Chess etc., and other sports, both indoor and outdoor. The petitioner-club has also provided a separate card room for the members, who are interested in playing card games. The members are allowed to play only 13 cards game i.e., Rummy with stakes/syndicate. The petitioner-club claims that the 13 cards game of rummy/syndicate is a game of skill, which is not an illegal activity but the police visited the club and interfered with the recreational activities of the members of the club. On 26.04.2004 the second respondent called them to the police station and threatened to register false cases. Therefore, the petitioner-club seeks a direction to the respondents not to interfere with the recreation activities of the club and declare their action as illegal and arbitrary.

Counter has been filed stating that the petitioner-club said to have been registered is not at all established and there is no registration certificate filed by the petitioners. The respondents never visited or interfered with the recreation activities of the members of the

alleged club and the petitioners have filed this writ petition with all false and frivolous allegations.

The perusal of the writ petition and the tenor of the counter goes to show that the petitioner-club has filed the writ petition even before establishing the said club so as to enable them to get some order from this Court for carrying on their illegal and unlawful activities in the club. Therefore, I am of the opinion that without there being any cause of action the petitioner-club has filed this writ petition.

Accordingly, the writ petition is dismissed. No costs.

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V. ESWARAIAH, J

April 5, 2005

Dsk

To

1 The Superintendent of Police, Khammam District at Khammam
2 The Station House Officer, Paloncha, Khammam District.

3 Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD Copies.